

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, OCTOBER 24, 2005

The City of Springfield Council met in a work session in the Jesse Maine Room, 225 Fifth Street, Springfield, Oregon, on Monday, October 24, 2005 at 5:35 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Fitch, Ralston, Lundberg, Woodrow and Pishioneri. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

1. Improving Safety Features on Local Street.

Traffic Engineer Brian Barnett presented the staff report on this item. Professor Mojie Takallou of the University of Portland's Department of Civil Engineering has done extensive work aimed at helping public officials find easy and cost-effective ways to make our roads and streets safer. Staff members from the City of Springfield and other road jurisdictions throughout the state have benefited from his seminars, but Professor Takallou also seeks opportunities to share an abbreviated version of his findings with local elected officials such as Springfield's Mayor and Council.

Professor Takallou will use PowerPoint to present interesting facts and principles about traffic safety in Oregon, as well as photos of interesting real-life situations in our state's communities. Though everyone professes support for traffic safety, few are aware of the actual extent of traffic accidents in our state, and of the collective cost in financial and human terms. He will share this sort of information as well as his safety-enhancing ideas, many of which are easy-to-do low-cost measures.

Professor Takallou discussed his background with traffic safety. He presented a power point presentation on this topic. He distributed a sign-in sheet for each of the councilors to sign. This documentation would assist him in securing grant funding.

Professor Takallou discussed street safety and the causes for accidents. He noted the large number of deaths from traffic accidents compared to that from other causes. He discussed the high cost related to these accidents. He discussed the number of fatalities and injuries over the last year in Oregon due to traffic accidents. He compared the number of deaths resulting from accidents in Oregon with the rest of the United States. He said the number of deaths and injuries on the road in the United States had decreased. Some of the reasons for this included technology of the vehicles, medical technology, better emergency response time, age of the drivers and education of the drivers. He explained some of the causes for accidents. The top two included speed and use of alcohol.

Mayor Leiken asked him to define speed.

Professor Takallou explained.

Professor Takallou discussed how the costs were calculated for accidents. He asked what the goals should be for the City of Springfield. It was to have citizens obey traffic signals. He suggested a short-term goal, mid-term goal and long-term goal. Long-term would be to have zero fatalities or disabling injuries related to traffic accidents. He discussed pedestrian injuries and that those should be focused on also. He asked what was more important – mobility or safety. Professor Takallou said most people say safety, but in the way they drive, it would appear mobility was their priority. He said it was important to make safety first with mobility second.

Professor Takallou said it was important to recognize the problems and set goals for improvement. Each city had weaknesses and strengths. He discussed ways to meet those goals. He said the customers of the city were the citizens of the city and should come first. He discussed integration of the roadways within the city. He said all officers should work traffic and enforce. Engineers and enforcement should work on a common goal – to educate the public. He noted that traffic calming devices could slow general traffic, but could also slow down the time for emergency response vehicles. He said there should be a partnership with traffic engineers and citizens. He discussed the areas that needed to be focused upon, such as drunk drivers, speeders, young drivers and old drivers. There should be a change in the perception regarding deaths by driving accidents. They should be perceived as serious as murders.

Professor Takallou said commitment and cooperation was needed in engineering, enforcement and education of the public on traffic safety. He discussed enforcement and the decrease in the number of officers in Oregon. He said Oregon and Springfield were below the national average as far as the number of officers per thousand residents. He discussed other crimes that were intentional or accidental and the things that were acceptable in our culture.

Professor Takallou said it was important to look at our community to see if safety and mobility issues were being addressed. He discussed traffic control devices and that studies showed that multi-way traffic devices did not slow down traffic.

Councilor Woodrow asked what Professor Takallou suggested for a solution.

Professor Takallou said it was education and putting traffic safety as a priority. He said engineers, police officers, and the media should work together to educate the public. He suggested the use of the media to gain interest in this and to provide public information. He said elected officials should also be involved. People needed to know the facts of public safety. As the decision makers, council needed to know the information. Some people would remain poor drivers, but others could modify their behavior.

Councilor Pishioneri asked about the fatality rates of Washington, California and Idaho.

Professor Takallou discussed the rates in surrounding states. He noted the reduction of fatalities from accidents involving alcohol because of education. He discussed making improvements on the roadways and educating the drivers. He noted the choices council had to make regarding development that would affect traffic safety. Professor Takallou thanked council for their time.

2. Springfield Natural Resources Study.

City Planner Mark Metzger presented the staff report on this item. The Springfield Natural Resources Study (Study) provides the analysis required by state rules for Goal 5 wetland and

riparian planning. The Study also recommends a package of protection measures that are intended to implement an approach to protection that preserves the majority of the natural functions and values of wetlands and streams but allows some development to occur. At issue is whether the recommended approach and the implementing protection measures are appropriate.

The Study proposes a package of protection measures whose objective is to bring the city into conformance with Statewide Planning Goal 5. Three issues are likely to capture most of the testimony: 1) the adequacy of the measures for protecting resource sites; 2) the impact of the measures on property owners, and 3) the impact on the buildable land supply.

Adequacy of the Protection Measures. The recommended protections rely upon existing stormwater policy to protect several wetland and riparian sites. For those sites not protected by Springfield's existing stormwater policy, a 25-foot development setback is proposed along with a requirement for site plan review when development is shown within 150 feet of a resource. The 25-foot setback is minimal, yet offers meaningful protection for the resource sites.

Impact of the Measures on Property Owners. The limited setback minimizes the loss of developable land to the property owner. The protection measures allow stormwater swales and detention areas that are required for new development to be placed within the setback, further reducing the impact. The protection measures allow property owners whose land would be rendered unbuildable by the protections to apply for a variance that would allow the city to work with the owner to reduce the hardship posed by the protections. The measures do not apply to existing development and would require no remedial action by property owners.

Impact on Buildable Lands. The reduction in residential land attributable to the proposed measures is about 14.18 acres. The reduction in commercial land is about 11.56 acres and the impact on industrial lands is about 71.4 acres. These impacts on Springfield's buildable lands inventory are very small. However, growing public concern may be to the point that the City Council will want to direct evaluations of remaining inventories to determine whether or when expansion of the UGB or other strategies should be considered to address any shortfalls.

The Planning Commission will hold a hearing on the Study on October 18. The matter is scheduled to come before the council on November 7.

Mr. Metzger noted that there was very little opposition on this item when it was brought to the Planning Commission last week and there were people speaking in support. He said those that would likely attend the November 7 City Council public hearing to speak would want to know how it would impact them.

Mr. Metzger said he would be discussing Attachment 1, pages 1 and 36. He discussed decisions made by council several years prior to protect waterways in Springfield. Staff wanted to use that policy as one of the primary ways to protect sites that were currently on the city's inventories. He referred to sites shown on the maps displayed on the wall that were already protected by fifty to seventy-five foot setback requirements. He said there was an additional requirement that a site plan review is conducted if development was going to be built within one hundred and fifty feet of a resource site. He said the Natural Resources Study would accept the protection that was already in place and not add anything to it. The material that would come to council for the November 7 meeting would focus on those sites not already covered by a stormwater plan. That would reduce a number of issues.

Mr. Metzger said for those sites not covered by stormwater plan, staff was proposing a twenty-five foot setback, with a site plan review for properties within one hundred and fifty feet of a resource site. He said staff hoped to develop a low impact development design manual to show that Springfield was a low impact development community. The city's stormwater program was already low impact, but there were other things that could be done to help make new development more compatible with nearby wetlands and riparian areas. He said there were already manuals out there that could be referenced and there was broad support. He passed around a manual created by the National Association of Home Builders in conjunction with Housing and Urban Development (HUD) to the councilors. He said when done correctly the cost of infrastructure could be reduced for low density residential development. He said if staff created a document to enhance the protections that were already in place for our stormwater, the city would have a better overall policy. He said the city was not adopting the manual as part of the study, but would look to develop and adopt a low impact manual in the future. He said protections would be aimed at new development and vacant property. Existing facilities would be covered by the nonconforming use policies already in place. The focus was on the future. State law regarding Goal 5 planning meant property could be unbuildable and it was the responsibility of the city to work with the property owner to get value out of their property. As part of the overall package, there was a provision for a hardship variance.

Mr. Metzger passed around a document entitled Updated Protection Measures as Recommended by the Planning Commission which was a supplement to Attachment 1 in the agenda packet. He said the italicized language in this handout was endorsed by the Planning Commission based on comments from other organizations. He discussed the principle of the updated protection measures focusing on wetlands and riparian areas that were not already covered by the stormwater plan. He gave an example of a situation of a developer having prior approval before the new ordinance was put into affect and that the approval would remain. He said the same was true for approved subdivisions.

Councilor Pishioneri asked what would happen if there was an example where the old restrictions were more restrictive than the new protections.

Mr. Metzger said they would most likely go with the past agreement. He said they would enforce what was in place when it was approved.

Councilor Pishioneri discussed the Levi Landing subdivision.

Ms. Kieran said the council had adopted safe harbor setbacks. Those would not be changed regarding this new issue. The property owners could not ask for the less stringent rules.

Mr. Metzger said the setback was defined from the delineated edge if it was a wetland and as the top of the bank if it was a riparian corridor. He said in some cases there were wetlands that were associated with riparian areas. In those cases, the delineated edge was used. He discussed the activities that were allowed within the boundaries of the wetlands and riparian areas as noted in Section IV. He said the city would apply policies, but ultimately the Oregon Department of State Lands and the Corps of Engineers would have permitting authority within wetland areas. He discussed how this language allowed necessary infrastructure, which would need to receive final approval from the Department of State Lands or the Corps of Engineers.

Mayor Leiken asked when the Corps of Engineer superseded the Oregon Department of State Lands.

Mr. Metzger said it was sometimes difficult to say. Federal law states that the Corps of Engineers had jurisdiction of waters of the United States.

Development Services Director Bill Grile explained some of the definitions for wetlands and the permits required from the two agencies.

Mayor Leiken referred to the property in Natron and gave an example that might lead the Corps of Engineers to be involved.

Ms. Kieran said there was a difference of Corps of Engineers jurisdiction and what body of water was affected by the Clean Water Act. She said the difference of jurisdictions was that the Corps of Engineers was in the water and the Oregon State Department of Lands was the top of the bank. Sometimes permits were required from both, but for different sections.

Mr. Metzger said it was city policy to notify both divisions when a development project was presented to the city. The two agencies would then determine among themselves who would take the lead. He said there was a section in the proposed policy that continued to require agency notification.

Councilor Ballew asked how quickly the Corps and State Department of Lands processed the development requests.

Mr. Metzger said he had not had a lot of experience working with the agencies on the processing end. He said his impression was that the Department of State Lands had been easier to work with than the Corps. He cited an example.

Mayor Leiken agreed. He described an issue with the Corps of Engineers in a development in Sutherlin. He also noted that the Oregon Department of State Lands had been easier to work with on that development.

Councilor Woodrow asked if the Oregon Department of Fish and Wildlife (ODF&W) got involved.

Mr. Metzger said if there were species in the bodies of water, they would be involved. He said ODF&W had worked with property owners in those situations.

Mr. Metzger referred to page 4, item 9) of the updated protection measures document. He discussed why the language was changed to *public drinking water facilities* rather than well fields. He referred to other changes including those noted in B. 14) and B. 15). Mr. Metzger referred to pages 5 and 6 in the update protection document. He noted a comment suggesting that a mechanism be identified to release land from the protections listed in the document under circumstances where the resource ceases to exist or other mitigating circumstance that removal of the protection was in the public interest.

Councilor Ballew asked if there was a time when wetlands ceased being wetlands.

Mr. Metzger said sometimes development or other activities would dewater the site. Those situations could be addressed as needed. He discussed Section VIII, Notification and Coordination with State Agencies. He continued to review Sections IX, X, XI and XII.

Councilor Woodrow asked if the Planning Commission had always approved variances.

Mr. Metzger said variances had always been handled at the Planning Commission level.

Councilor Fitch asked about mapping errors.

Mr. Metzger said mapping errors normally meant a wetland delineation that was determined by the Department of State Lands (DSL). He explained further.

Councilor Fitch asked about liability and altering the maps.

Mr. Metzger said the city was not altering the maps. He said staff referred developers to DSL to verify the map. The principle was that owners who were overly impacted had a way to deal with that situation.

Councilor Ballew asked if the change in mapping would change our Metro Plan.

Mr. Metzger said it would not. He further reviewed the changes.

Councilor Ralston asked if a property owner would need to develop a new wetland if they used or impacted a wetland.

Mr. Metzger said there was a cost when a wetland was impacted. The developer should first try to avoid impacting a wetland, but if it was impacted there was mitigation required by the DSL. He discussed vegetation management standards. He said Willamalane wanted to be sure they could remove hazard trees from the setback areas. He said the policy did allow removal of trees from the wetland, but was not clear they could be removed in the setback areas. He said language would be included to make that clear.

Councilor Ralston asked about removal of blackberries.

Mr. Metzger said this policy encouraged removal of blackberries and other non-native plants, but required they be replaced by something native so as not to cause an erosion problem.

Mayor Leiken asked if staff would have figures of buildable lands inventory.

Mr. Metzger referred to Attachment 2, Springfield Natural Resources Study Report, Executive Summary included in the agenda packet. He said one of the required assessments was the buildable lands inventory. He said it was part of the study and was noted on page 25 of the Executive Summary. The reduction in residential land attributable to the proposed measures was about 14.18 acres. The reduction in commercial land was about 11.56 acres and the impact on industrial lands was about 71.4 acres. The issue of buildable lands was under discussion.

Councilor Ralston asked about the Pierce property which had a ditch that was a problem. He asked if that had been mitigated.

Mr. Kelly said the ditch still existed and regulations still applied. He said it was a development issue. He discussed changes that had been made and that certain ditches were now encouraged to remain open. He said the property had been purchased and that issue was in the process of being resolved through a site plan.

Mr. Grile said the ditch would be an amenity.

Mr. Metzger said under Goal 5 the city was responsible to provide protection and planning for locally significant wetlands. He said there were other wetlands that were part of the broad local inventory that were not significant under state criteria. He said if the ditch on the Pierce Property was not considered significant, it would still have protections.

Mr. Metzger displayed the full study that was to be included as part of the record on November 7. He suggested council work with the Executive Summary, but noted they would be provided with the complete study.

Councilor Ballew asked about protecting the wetlands through easement conservation. She asked how that could happen financially.

Mr. Metzger said it could be a case of another agency purchasing the property rather than the city. He discussed other options.

Councilor Pishioneri asked if the city owned property that included invasive grasses and if the city removed those grasses.

Mr. Metzger said the city owned properties adjacent to a number of waterways. He said the public works staff did maintain those areas. Long term, the city may look at planting trees along some of the waterways to provide shading because water quality included water temperature.

Councilor Pishioneri discussed the flood control canal that runs from Weyerhaeuser along Highway 126. He said it appeared to be full of canary grass and blackberries. He asked if it belonged to the city.

Mr. Metzger said he did not know if that belonged to the city, but the city did encourage removal of invasives.

Mr. Kelly said the city was also required to remove invasive vegetation.

Mr. Metzger said the city did not require removal of invasives, but it was allowed within a wetland. The city did try to set the standard.

3. I-5 Beltline Interchange Area Management Plan (IAMP).

Transportation Manager Nick Arnis presented the staff report on this item. ODOT has created an IAMP for the I-5/Beltline interchange and requests a letter by November 1, 2005 from the city that finds consistency between the IAMP and the City Comprehensive Plan policies and codes. The City Attorney will present a draft letter from the city to ODOT at the council meeting.

The Oregon Transportation Commission (OTC) adopted administrative rules concerning access management for new or revised interchanges for state and interstate highways in 2001. IAMPs are required as set forth in the Oregon Highway Plan (OHP) Policy 3C "Interchange Access Management Areas" and implemented according to OAR 734-051-0125 "Access Management Spacing Standards for Interchange Areas." The goal of these rules and policies, according to ODOT staff, is to "manage and protect" the transportation investment when an interchange is improved or constructed. Key features of the I-5/Beltline interchange IAMP are the following:

- ODOT is requesting a letter from the cities of Springfield and Eugene "...stating agreement that the local plan and code provisions describedas currently adopted, satisfy the purpose and intent of the IAMP"
- The IAMP requires local land use decisions be reviewed by ODOT/OTC for consistency within an interchange project management area as described in the IAMP; "OTC adoption of the IAMP will create legal plan consistency between the IAMP and relevant local codes provisions and plan policies such that future changes to those plans and codes would require a consistency with the IAMP"
- "Release of funds for construction (I-5/Beltline interchange) is being deferred until this IAMP is approved by the OTC"

When the OTC approved \$19 million from the Oregon Transportation Investment Act (OTIA I) in 2002 for the I-5/Beltline interchange, they also conditioned the funding to the approval of an IAMP for the interchange. City and ODOT staff met over a year ago to review a rough draft of an IAMP for the interchange and at that time city staff was explicit about concerns with OTC oversight of local land use decisions beyond which already exists with the TPR concerning comprehensive plan amendments. City staff did not receive anymore information or IAMP drafts from ODOT until recently. There has been at least one IAMP adopted in the Willamette Valley by Polk County for a future interchange in Rickreall at the Highway 99/22 intersection.

The city received a "Review Draft" IAMP from ODOT on October 7, 2005 with an expectation that ODOT will obtain a letter from the city by November 1, 2005 which cites consistency between the IAMP and city plans and codes. The City Attorney will present a draft letter from the city to ODOT at the council meeting.

Councilor Fitch referred to the map on display on the wall.

City Attorney Meg Kieran said she met with city and ODOT staff. She said following the initial meeting, ODOT re-created the plan, showing there was a desire to collaborate. She said they were asking the city to make sure the IAMP was consistent with the city's land use Comprehensive Plan and Development Code and to send a letter from the City Manager stating such. She said the IAMP included text from the Springfield Development Code and Eugene Development Code so there was no question whether or not it was consistent. She noted that funding of this I-5 Beltline Interchange was contingent on the IAMP. ODOT was required by its administrative rules to adopt these management plans. The administrative rules asked for a letter of consistency from the local government and required that the OTC adopted the management plan as amendments to the Oregon Highway Plan (OHP). She said anytime the city had a plan amendment that would significantly affect a transportation facility, there are compliance issues with the OHP, so that would not change.

(A copy of the letter from Springfield's City Manager to Jeff Shiek was distributed to the Mayor and council.) Ms. Kieran said one of the issues she noted in the letter was the plan diagram which was under appeal by the HomeBuilders' Association which had not yet been acknowledged by the Land Conservation and Development Commission (LCDC), although the city did prevail. She said she noted in the letter that the only adopted plan diagram for Springfield was from 1987. She said the maps used by ODOT could cause an issue. She also noted that the language in the IAMP that talked about planning for mutation. She said that language concerned her and she checked state statutes and conferred with other attorneys around the state. She said the letter drafted for the City Manager's signature clarified that the city would continue to work with ODOT as required. She said the area initially on the map of the management area was a half mile radius around the I-5 Beltline interchange, but the influence area was considerably larger. The city had concerns and felt that OTC would have a greater oversight responsibility for Springfield's local plan amendment and code amendment in the influence area, more so than the administrative rules, Springfield's comp plan or development plan provided. She discussed the options available; do nothing, send a letter from Mr. Kelly, or put evidence in the record and be part of the proceeding. She did not recommend the third option. She said her goal in the letter was to give ODOT the letter of consistency they requested. She also wanted to put ODOT on notice about the maps. The map issue may go away once the appeals were complete. She said there was nothing in the IAMP that revised the Oregon statutes and administrative rules. She said it would be good for the city to put ODOT on notice of what the city's legal obligations were and she wanted the council involved because of the magnitude of this project.

Mayor Leiken asked if this had any effect on the I-5 Beltline intersection.

Ms. Kieran said the concern with this project was that it would be built to handle traffic and that traffic was driven by the land uses that were in existence in that area. She said the intersection improvements were also driven by the land uses in the area.

Mr. Arnis said staff from ODOT tried to take the information from the Environmental Assessment (EA) and include it in the IAMP. There was still a question about access points, but the intergovernmental agreement (IGA) should guide the city and ODOT through the process. It had more to do with the possible land use changes in the whole area.

Mayor Leiken said he believed that given different changes that were going on currently, he was concerned that the state would want to renegotiate the IGA based on the traffic patterns from the interchange itself coming into the city. He noted the amount of work that was done with citizens and staff regarding the intersection. He said the traffic patterns would not be known until development was finalized.

Mr. Arnis said with Martin Luther King, Jr. (MLK) Parkway and PeaceHealth going in, there would be changes in the traffic patterns.

Mayor Leiken said the local ODOT staff agreed with the city that the MLK Parkway would have an overall positive impact, but it was difficult when dealing with ODOT in Salem because they couldn't see the impact in the entire area. He was concerned with keeping the original agreement in place. The community should be proud of the work done on the intersection plans.

Councilor Lundberg asked what the city's role was in the IAMP.

Mr. Arnis said over a year ago, the city staff worked with ODOT on a first draft of the IAMP. There was a long gap between that meeting and this draft. He said they worked with ODOT recently to redraft this.

Councilor Lundberg asked to see the document.

Ms. Kieran gave Councilor Lundberg a copy she could review.

Councilor Ballew asked if the City of Eugene had also submitted a letter.

Ms. Kieran said she had been in contact with the City of Eugene attorney, but had not heard if they had sent a letter. She said they would most likely send out a similar letter.

Councilor Ballew asked about the plan diagram map.

Mr. Mott said only Eugene, Springfield and Lane County produced the comprehensive plan map, not ODOT. The map that counted was the adopted metro plan map.

Councilor Fitch asked if it was Ms. Kieran's best estimate that Eugene would go forward in the time frame allowed.

Ms. Kieran said it would most likely be a staff decision in Eugene.

Councilor Fitch asked if there was enough flexibility and if she was comfortable with the content of the letter.

Ms. Kieran said the key heart of the issues was identified in the letter. She said if council wanted to make a record before OTC, staff could send a separate letter from the City Attorney's office. In responding to the need for the letter, she felt the city was in good shape. She said the spirit of the letter was to let ODOT know the city was willing to cooperate and the last paragraph was just information.

Councilor Fitch said she did not have a problem with this going out.

Ms. Kieran said she would get a copy of the IAMP to Councilor Lundberg.

Council consensus was to go forward with the letter.

Mr. Kelly said his conversation with Mr. Shiek was that the OTC might want a council resolution versus the letter from Mr. Kelly. He asked Mr. Boyatt if it mattered who the letter came from, either him or the Mayor.

Mr. Boyatt said he did not know if it made a difference.

Mayor Leiken said he would prefer the letter came from Mr. Kelly. If the chair of the OTC would prefer a letter signed by the Mayor, they could send a request to the council.

ADJOURNMENT

The meeting was adjourned at 7:32 pm.

Minutes Recorder – Amy Sowa

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder